

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ROBERT BOGGS,

Plaintiff, No. 3:07-cv-954-ST

v.

MICHAEL SCHRUNK and MULTNOMAH ORDER
COUNTY,

Defendants

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#170) on April 3, 2012, in which she recommends the Court grant defendants' motions for summary judgment, deny plaintiff's motion for summary judgment, and grant plaintiff's and Multnomah County's motions for reconsideration.

Plaintiff has timely filed objections to the Findings and Recommendation. The matter is

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now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered plaintiff's objections and conclude that there is no basis to modify the Findings and Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings and Recommendation [170] and therefore (1) plaintiff's motion for reconsideration [147] is granted to the extent that Judge Stewart reconsidered the Boggs I Findings & Recommendation issued August 21, 2008; (2) Multnomah County's motion for reconsideration [151] is granted to the extent Judge Stewart reconsidered the Boggs I Findings & Recommendation issued August 21, 2008; (3) plaintiff's motion for summary judgment [66] is denied; (4) Multnomah County's motion for summary judgment [69] is granted; and (5) Schrunk's motion for summary judgment [75] is granted.

IT IS SO ORDERED.

DATED this 7th day of June, 2012.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge